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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

A.S. No.591 of 2017
and
C.M.P.No.20111 of 2017

1.S.Jothi Venkataraman
2.K.Krishnaveni ... Appellants/Defendants

-vs-

Hamsa ... Respondent/Plaintiff

PRAYER: Appeal Suit filed under Order 41 r/w Section 96 of Civil Procedure Code against the Judgment and decree dated 30.08.2017 made in O.S.No.94 of 2016 by the learned III Additional District Court, Salem.

For Appellant: Mr.N.Manokaran

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J.)

The appeal suit has been filed against the preliminary decree dated 30.08.2017 passed in the partition suit filed by the respondent against the 1st appellant/brother and 2nd appellant/mother.

2.The facts of the case are as follows;

The respondent, being the daughter of the 2nd appellant and the sister of the 1st appellant, sought for partition of the properties left behind by her father viz., Late Sundararaj, the husband of the 2nd appellant. On contest, the preliminary decree was passed, against which the present appeal has been filed.

3.When the matter is called today, Mr.N.Manokaran, learned Counsel for the appellants would submit that parties have settled the matter and a joint memo of compromise has also been entered into and the same has been filed.



4.The respondent has not engaged any Counsel and she is present before this Court and would submit that the matter has been settled as per the joint memo of compromise between herself and the appellants. The appellants have also stated before this Court that the matter has been settled as per the joint memo of compromise and decree could be passed.

5.In view of the categorical statements made by the parties and joint memo of compromise dated 28.01.2019, entered between the appellants and respondent, signed by them and counter signed by their Counsel, the appeal suit is disposed of in terms of memo of compromise viz.,

(i)The 1st three houses which are fitted with the following four electricity connections viz., a).S.C.No.164-015-1160, b).S.C.No.04-164-015-1487, c).S.C.No.04-164-015-101, d).S.C.No.04-164-015-100 have been allotted in favour of the respondent for her lifetime till the attainment of majority by her children viz.,Chatriya Varman and Rudhra Varman.

(ii)The remaining two houses which are fitted with the following two electricity connections viz., a).S.C.No.04-164-015-71 and b).S.C.No.04-164-015-770 are allotted subsequently, in favour of the respondent. That apart, the respondent has been paid an amount of Rs.25,00,000/- on 06.12.2017 by the 2nd appellant.

(iii)The 1st appellant/1st defendant/brother is entitled to item No.2 and 3 of the suit schedule properties except two houses which have been mentioned in Paragraph No.2 (iv) of the joint memo of compromise.

(iv)The 2nd appellant/mother is entitled for two houses in item No.3 of the suit schedule properties.

6.In the result, the appeal suit is disposed of in terms of memo of compromise and the joint memo of compromise shall form part of the Judgment. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



To

The III Additional District Court,
Salem.

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+2cc to M/s.N.Manokaran, Advocate Sr.6740, 6739

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srg 06/01/2020